IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	
Markus SCHMIDT-KARACA, et al.	Examiner: HOANG, Hieu T
Serial No.: 10/720,203	
Filed: November 25, 2003	Art Unit: 2452
For: METHOD AND SYSTEM FOR REPRESENTING, CONFIGURING AND DEPLOYING DISTRIBUTED APPLICATIONS	Confirmation No.:4988

PRE-APPEAL BRIEF CONFERENCE REQUEST

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Commissioner for Patents
P.O. Box 1450
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Sir:

Applicant requests review of the final rejections in the Office Action mailed March 3, 2009 ("Final Rejection") in connection with the above-identified application. This request is being filed with a Notice of Appeal. Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The review is requested for at least the following reasons.

ARGUMENTS

Appellants filed an after final response to the outstanding final Office Action on May 4, 2009. In response, the Office issued an Advisory Action dated May 21, 2009, in which the final rejections were maintained.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claims 2-8, 10-11, 13-15 and 18-19 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regard as the invention. Specifically, the Office Action alleges that there is no meaningful interpretation found for "a collective behavior of a mobile device" in the specification. Further, the Advisory Action alleges that the "mobile application solution 350(2)" has no explanatory values to meanings of behavior and collective behavior of multiple network devices. Applicant respectfully traverses these allegations. The claims recite "a collective behavior" of *multiple devices* (e.g., "a collective behavior of a mobile device, a middleware server and a backend server" as recited in claim 5). Paragraph [0024] of the specification describes in detail: "each application solution represents the collective behavior of backend server 301, middleware server 302, and one respective mobile device 315(1)-315(N)." Further, paragraphs [0025-27] provide a detailed description of an example of how backend server 301, middleware server 302 and one respective mobile device 315(1)-315(N) participate in a particular mobile application solution 350(1)-350(N). One having ordinary skill in the art would be able to interpret the claim language and determine the score of the claimed subject matter. Withdrawal of the 35 U.S.C. 112, second paragraph rejections is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 2-3, 13-14, and 18-19, stand rejected under 35 U.S.C. 103(a) as being obvious over Sudharshana et al. (OTA Mobile Device Software Development, hereafter "Sudharshana"), in view of Mutler et al. (US 2002/0040369, hereafter "Mutler"). Claims 4 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sudharshana and Mutler, further in view of Caufield et al. (US Pat. Pub. 2007/0177571) (hereinafter "Caufield"). Claims 5-8 stand rejected under 35 U.S.C. 103(a) as being obvious over Chasman et al. (US Pat. Pub. 2007/0180075) (hereinafter "Chasman"), in view of Caufield, further in view of Sudharshana. Claim 9 stands rejected under 35 U.S.C. 103(a) as being obvious over Mutler, in view of Sudharshana. Claims 10-11 stand rejected under 35 U.S.C. 103(a) as being obvious over Kjellberg et al. (US Pat. Pub. 2003/0084165) (hereinafter "Kjellberg"), in view of Sudharshana. The cited references, even when considered together, fail to disclose, either expressly or implicitly, each and every feature of the claimed embodiments.

Claims 18, 19, 5 and 10 Define Over Cited References

Claim 18 recites, in relevant part:

storing an application descriptor for the distributed application on a server accessible by the computing device(s), **the application descriptor storing**: a list of all resources necessary for the distributed application, and **a representation of configuration settings for each computing device participating in the distributed application** with respective resources for the distributed application installed thereon; and ...

The Office Action alleges that Sudharshana teaches storing information on a server including a representation of configuration settings for each computing device participating in the distributed application and Mutler teaches an application descriptor. But neither of the allegations is supported by the cited references.

The Sudharshana reference refers to an architecture for over the air management of software on a mobile device. The Mutler reference refers to a system or device to update data in the device with data received from other systems or provide data to other systems to update themselves. Cited portions of the references concern different matters and even their combination do not teach the claimed features. In Sudharshana, section 3.8 only concerns a client side Patch Profile storing version and resource information only for the respective client device, section 3.9 only concerns a MIB containing information for terminals managed by a server but nothing about mobile devices, section 3.11 only concerns an Application Patch Generator that can generate patches. Neither the MIB nor the client side Patch Profile stores "**a representation of configuration settings for each computing device participating in the distributed application**" as claimed. Although Figure 3 of Sudharshana shows "update the client configuration database," there is nothing in Sudharshana that suggests that the "client configuration database" stores "**a representation of configuration settings for each computing device participating in the distributed application.**" Moreover, Mutler in Fig. 12-13 and [0241] only mentions an object hierarchy for the format of a data package being stored or transmitted. Mutler's object hierarchy concerns only the objects that are contained inside the data package and Mutler does not mention anything regarding information external to the data package (e.g., configuration settings of devices in a distributed application) being stored with the object hierarchy. Thus, neither Mutler nor Sudharshana cures the defects of the other. Therefore, Sudharshana and Mutler, either alone or in combination, fail to disclose each and every feature recited in the independent claim 18, and the rejection should be withdrawn.

Furthermore, the Office Action merely asserts it would be obvious to combine Sudharshana and Mutler but fails to recognize that Mutler's data structure is a data format for a data package not for storing information at a server. Nothing in either Sudharshana or Mutler teaches or suggests modifying a client configuration database stored at a server to a data structure to "efficiently manage device-specific application resources" as alleged in the Office Action. Thus, the Office Action has failed to establish a *prima facie* case of obviousness of the independent claim 18, and the rejection should be withdrawn.

Claim 5 recites, in relevant part: "**an application descriptor** … **maintaining a representation of configuration settings for each mobile device participating in the software application**." The Office Action concedes Chasman does not disclose the above bolded features but alleges Caufield and Sudharshana cure the deficiency. However, Caufield merely describes user profiles in [0024], rules about device types in [0026] and a user id associating with a device type in [0028]. There is no discussion in Caufield of "an application descriptor" as claimed. Further, as discussed above with respect to claim 18, Sudharshana does not teach or suggest "**an application descriptor**" as claimed either. Therefore, Chasman, Caufield and Sudharshana, either alone or in combination, fail to disclose each and every feature recited in the independent claim 5, and the rejection should be withdrawn.

Claim 10 recites, in relevant part: "**one application descriptor** … **maintains a representation of configuration settings for each of the computing devices participating in the distributed software application**." The Office Action concedes that Kjellberg does not disclose the "**application descriptor**" but alleges that Sudharshana discloses these features. As discussed above with respect to claim 18, Sudharshana does not show this feature. Therefore, Kjellberg and Sudharshana, either alone or in combination, fail to disclose each and every feature recited in the independent claim 10, and the rejection should be withdrawn.

Independent claim 19 contains the identical features as discussed above with respect to claim 18 and should be allowable for at least the same reasons as for claim 18. Dependent claims 2-3, 6-8, 11, 13-14 depend from claims 5, 10, 18 and 19 respectively and are allowable for at least the same reasons as for their respective independent claims 5, 10, 18 and 19. Dependent claims 4 and 15 depend from claims 18 and 19 respectively and the Caufield reference fails to cure the defects of Sudharshana and Mutler. Withdrawal of the rejections and

reconsideration are respectfully requested.

Claim 9 Defines Over Cited References

Claim 9 recites, in relevant part: "**a second unique identifier specifying a computing device** to participate in the software application" and "an association between each of the at least one computing device and the at least one resource type, wherein the association is formed by associating the third unique identifier with the second unique identifier, and **the association is used to generate a fourth unique identifier** for the resource to be installed on the at least one computing device." Neither Mutler nor Sudharshana teaches or suggests these features. The Office Action concedes Mutler does not disclose generating a unique identifier for a resource to be installed on a computing device but alleges that Sudharshana does so. However, Sudharshana only stores an ME *model* ID and never mentions a device ID. Although Sudharshana shows a "client authentication verification" on Figure 3, there are numerous ways for authentication (e.g., user id and password, etc.). Sudharshana merely mentions ME *model* ID but does not teach or suggest a device ID to authenticate a device. Thus, Sudharshana does not disclose "**a second unique identifier specifying a computing device**" and does not teach or suggest an "**association**" between a computing device and a resource type to be "**used to generate a fourth unique identifier**" as claimed. Therefore, Mutler and Sudharshana, either alone or in combination, fail to disclose each and every feature recited in the independent claim 9, and the rejection should be withdrawn.

CONCLUSION

All outstanding rejections have been overcome. It is respectfully submitted that, in view of the foregoing amendments and remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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